



USDA Foreign Agricultural Service

# GAIN Report

Global Agriculture Information Network

Template Version 2.09

Voluntary Report - public distribution

**Date:** 6/20/2005

**GAIN Report Number:** CH5049

## China, Peoples Republic of

### FAIRS Product Specific

### Implementation Rules for Organic Product Certification

### 2005

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**Report Highlights:**

This is an unofficial translation of the Implementation Rules for Organic Product Certification published by the Certification and Accreditation Administration of China on June 2, 2005 and should be used as a guide only. Exporters should carefully discuss regulations and their application with Chinese importers to ensure that their interpretation is accurate.

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Includes PSD Changes: No  
Includes Trade Matrix: No  
Unscheduled Report  
Beijing [CH1]  
[CH]

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**Executive Summary**

On June 2, 2005, the Certification and Accreditation Administration of China (CNCA) published the Implementation Rules for Organic Product Certification with immediate effect. These rules stipulate certification fee collection, procedures of approval, suspension, and cancellation of certification, requirements about organic labeling, and dispute settlement procedures. Certification bodies use these rules and national standards for organic products (GB/T 19630-2005) when certifying organic products being marketed in China. Imported organic products need to comply with the requirements of organic product certification and standard of China. In other words, imported organic food products should be certified by a Chinese certification body or an overseas certification body authorized by CNCA.

Refer to GAIN report CH5012 for a guideline of organic product certification in China. The National Standard for Organic Product (GB/T19630-2005) that governs production, processing, marketing, and administration of organic products in China has been issued by the Standardization Administration of China (SAC) and went into force on April 1, 2005. A GAIN report on this standard will be published once the translation is complete.

BEGIN TRANSLATION

**Announcement No.11 [2005] of the Certification and Accreditation Administration of China**

June 2, 2005

The Implementation Rules for Organic Product Certification, formulated for the purposes of regulating certification activities of organic products, ensuring the consistence of certification procedures with the basic administrative requirements and the effectiveness of certification in accordance with the provisions as stipulated in the Regulations of the People's Republic of China on Certification and Accreditation and the Measures of Administration of Organic Product Certification (Decree No. 67 of the General Administration of Quality Supervision, Inspection and Quarantine [2004]), now are announced by the Certification and Accreditation Administration of the People's Republic of China. The Rules are implemented as of the date of promulgation.

**Implementation Rules for Organic Product Certification****1. Purpose**

These rules is formulated in order to regulating the certification activities of organic products and ensuring the consistency of the certification procedures with the basic administrative requirements and the effectiveness of certification in accordance with the provisions as stipulated in the Regulations of the People's Republic of China on Certification and Accreditation and the Measures of Administration of Organic Product Certification.

**2. Applicable scope**

These Rules are applicable to the certification activities of organic products sold within the territory of the People's Republic of China.

**3. Normative reference**

GB/T19630.1~ 19630.4-2005 Organic Products

**4. Procedures for Certification****4.1 Application**

4.1.1 The following information shall be made public by the certification body to applicants at least.

4.1.1.1 The certification scopes that are approved by the Certification and Accreditation Administration of the People's Republic of China (CNCA) and accredited by the China National Accreditation Board for Certifiers (CNAB)

4.1.1.2 The procedures and requirements for certification;

4.1.1.3 The standard for certification;

4.1.1.4 The structural fee chart;

4.1.1.5 The rights and obligation of certification body and applicant;

4.1.1.6 The procedures for handling appeals, complains and disputes by a certification body;

4.1.1.7 The provisions and procedures for approval, suspension, and withdrawal of certification;

4.1.1.8 The requirements for China organic product certification mark, China organic transfer product certification mark and certification body's identification and name to be used by any certified units or individuals;

4.1.1.9 Requirements for carrying out correct propaganda to certified units or individuals based on the scope specified in the Certificate.

4.1.2 Documentations that applicants shall be required to submit by the certification body are as follows:

4.1.2.1 The applicant's qualification documents for lawful operations, such as s land use certificate, business license, lease contract, etc.; in case of not being direct producer or processor of organic products, the applicant needs to submit the contract in writing signed with each side;

4.1.2.2 Basic conditions of applicants and organic production and processing, including applicant/producer's name, address, contact way; name of origin place (production base)/processing place; situation of origin place (production base)/processing place; and production history of the past three years, including description of farm work, prevention and curing of plant diseases and insect pests, application of inputs and harvest condition; production and processing scale, including description of variety, area, output, processing amount etc; information about the application and obtaining of other organic product certification.

4.1.2.3 The description of the surrounding area of origin (production base), including map of geographical position, distribution plan of plots, plan of plots, area, buffering belt, prescription of used surrounding plots, etc.; description of surrounding environment of processing places; general plan of factory area, process chart, etc.;

4.1.2.4 The plan of production, processing and marketing of organic products that are applied for certification, including the variety, area, estimated output; variety of products to be processed, expected processing output; variety of products to be sold and planned selling volume, selling direction;

4.1.2.5 The evidentiary materials of environmental quality of origin (production base), processing places;

4.1.2.6 The qualification materials in terms of specialized technical personnel and administrative officers;

4.1.2.7 The statement of guaranteeing fulfillment of the standard of the organic products;

4.1.2.8 The documents of control systems of organic production and processing;

#### 4.1.2.9 Other relevant materials.

### 4.2 Acceptance

4.2.1 A certification body shall, within 10 working days from the date of receiving the written application from an applicant, complete the assessment of application materials and decide to accept the application.

4.2.2 If the certification body agrees to accept the application, it will sign with the applicant a contract on certification; if the certification body decides not to accept the application, it shall notify the applicant in writing and give the reasons for no acceptance.

4.2.3 In the assessment process a certification body shall make sure:

4.2.3.1 the certification requirements to be described clearly and documented and understood;

4.2.3.2 The understanding difference between the certification body and applicant to be settled;

4.2.3.3 Having the ability to carry out the certification service with regards to the scope of certification to be applied for, workplace and special requirements of applicants.

4.2.4 The certification body shall keep the records in the course of assessment.

### 4.3 Inspection preparations and implementation

#### 4.3.1 Assignment of inspection task

A certification body, prior to the check, shall send down a job description of inspection, with contents including but not limited to:

4.3.1.1 Contact way and address of applicants;

4.3.1.2 Basis of inspection, including certification standards and other relevant laws and regulations;

4.3.1.3 Check scope, including variety of product to be checked and origin (production base) and processing places, etc.;

4.3.1.4 Key points of inspection, including management system, follow-up system and application of inputs, etc.; for the units or individuals that obtained certification last year, this certification lays particular emphasis on the implementation of rectification and improvement proposed by the certification body.

4.3.2 The certification body shall, according to the check class, appoint inspectors with corresponding qualification and competence and ask for approval of the applicant, but the applicant shall not appoint inspectors. The same inspector can't be appointed to the same applicant or producer/processor for check in 3 consecutive years or over 3 years.

#### 4.3.3 Review of documents

Before on-spot inspection, the certification body shall review the documents about the control system of applicants/producers to confirm their suitability, sufficiency and conformance of standard, and keep the records of review.

#### 4.3.4 Inspection plan

4.3.4.1 The certification body shall work out and confirm a plan of inspection with the applicant prior to the site inspection. The plan should include the basis and contents of check, interviewees, check places and scheduling, etc..

4.3.4.2 The inspection shall be arranged in the proper time among the production process of products that are applied for certification. At least one check needs to be done during the

periods of growth and processing of products. In the first check of the origin (production base) the scope of check shall be not less than 2/3 of production activities. A lot of farmers that participate in the organic production to be visited shall not be less than square root of total farmers.

#### 4.3.5 Implementation of inspection

Evaluate the applicant's management systems according to the standard of certification, verify the consistency of production and processing courses with the documents offered by the applicant as specified in Clause 4.1.2, confirm the conformance of production and processing courses with the standards for the certification. The check process shall include at least the follows:

- a) Inspection of production plots, processing and storage places, etc.;
- b) Interview of the production managerial personnel, internal inspectors and operators;
- c) Check of the records on production and processing as stipulated in Clause 4.2.6 of GB/T19630.4-2005 Organic Products, Part 4, Management System;
- d) Evaluation of follow-up system;
- e) Evaluation of internal check and continuous improvement;
- f) Confirmation and assessment of the origin's environmental quality condition and pollution risk caused possibly by organic production;
- g) If necessary, collection and analysis of samples;
- h) If applicable, check of implementation of rectification and improvement put forward by the certification body last year;
- i) Summary of inspection by the inspector before completion of the work; clarification and conformation of the existing problems; allowance of the inspected party to explain the problems.

#### 4.3.6 Assessment and confirmation of the environmental quality condition of producing areas

4.3.6.1 A certification body shall, at the time of inspection, ensure that the environmental quality condition of the origin (production base) is in conformity with GB/T19630-2005 Organic Products;

4.3.6.2 When the applicant can't offer a monitoring report (certificate) effective on the environmental quality condition of the producing area, or the certification body is unable to determine that the environmental quality of the origin satisfies the requirements, as specified in GB/T19630-2005 Organic Products, the body shall require the applicant to entrust to a monitoring organization with qualification monitoring of the environmental quality of the area and offer an effective monitoring report (certificate).

#### 4.3.7 Collection and analysis of samples

4.3.7.1 A certification body shall work out the procedures for collection and analysis of samples in accordance with the corresponding national standards, including analysis of residues and transgene, etc.).

4.3.7.2 If an inspector suspects that an applicant uses the substances that are forbidden, as stipulated in the standard of certification, or the surroundings of origins or products may be polluted, a sample shall be taken on the site.

4.3.7.3 The taken samples shall be submitted to the testing body with the related qualification for analysis.

#### 4.3.8 Inspection report

4.3.8.1 Inspection reports shall adopt the format specified by the certification body.

4.3.8.2 Such written documents as inspection report or record shall have sufficient information so that the certification body is capable to make objective certification decision.

4.3.8.3 The inspection report shall contain the risk assessment and inspectors' conformance judgment of producers' production and processing activities with the standard of certification, and show the description on information collected in the process of inspection and the explanation of noncompliance items.

4.3.8.4 The inspector shall make evaluation of overall situations that the applicant/producer enforces the standard, but not make the written conclusion on whether the origin (production base)/processor, products that are applied for certification pass the certification or not.

4.3.8.5 The inspection report shall be confirmed in writing by the applicant.

#### 4.4 Certification decision

4.4.1 After completion of checking the production process, the certification body will make the evaluation based on the information collected in the process of certification, and then the certification decision and notify the applicant in time

4.4.2 In case of being in conformity with any of the follows, the applicant/producer shall be approved for certification:

4.4.2.1 The production activities and control systems being in compliance with the standard of certification;

4.4.2.2 In case that the production activities, management systems and other relevant information do not totally accord with the standard of certification, the certification body shall require to carry out the rectification and improvement. Where the applicant has completed the work within a specified limited time or submitted the measures for rectification and improvement and has the competence to finish the work within a specified limited time so as to meet the certification requirement, the certification body shall approve the certification after examination.

4.4.3 Where production activities of applicant/producer come under any of following circumstances, the certification shall not be approved:

4.4.3.1 Failing to establish the control systems or to implement effectively the established control system;

4.4.3.2 Application of forbidden matters;

4.4.3.3 Production processes not having traceability;

4.4.3.4 Failing to complete the rectification and improvement or to submit the measures for rectification and improvement within the given time by the certification body; submitted measures not meeting the certification requirements;

4.4.3.5 Other items seriously in nonconformity to the organic standard.

4.5 The certification body shall issue the certificate to the applicant that is approved for certification in a timing manner and allow it to use the certification mark/identification.

4.6 The certification body shall sign the contract on usage of organic product mark/identification with the certified unit or individual, and describe the clearly conditions and requirements of the usage of the mark/identification.

## **5. Administration after certification**

5.1 A certification body shall take effective measures for administration of the certified unit or individual or product. If necessary, make a check without notice in order to guarantee maintaining conformity to certification requirements.

5.2 The certification body shall conduct follow-up management of mark usage of the certificated product to make ensure that the product with the organic mark/identification is consistent with the scope as specified in the certificate, including the number of marks.

5.3 The certification body shall obtain information about changes in time, and take proper measures for management so as to ensure that the certified unit or individual satisfies the certification requirement.

5.4 In case that any unit or individual violates the provision of Clause 27 in the Regulations for Administration of Organic Product Certification, the certification body shall withdraw or suspend its certificate in a timing manner and request it to suspend the certification mark/identification, as well as make such suspension or withdrawal public.

## **6. Certificate, mark and identification of certification**

6.1 Certification bodies shall adopt the basic format of certificates of organic product certification and organic transfer product certification, as stipulated by the Certification and Accreditation Administration of the People's Republic of China.

6.2 The certificate shall be completed faithfully with the standards, certification category and used accreditation mark on the basis of certification and accredited actual conditions.

6.3 Any certification bodies shall use the national organic product mark, national organic transfer product mark and certification body's identification in accordance with the Administration Regulations for Certificate and Certification Mark and the Regulations for Administration of Organic Product Certification.

6.4 The certification mark designed by a certification body itself shall be submitted to the Certification and Accreditation Administration of the People's Republic of China for the record.

## **7. Charge**

The certification body shall collect certification fees in accordance with the Circular of the State Planning Commission and State Administration of Quality Technology Supervision Governing Issuance and Printing of Certification Fee Collection Measures for Product Quality and Structural Fee Chart (JJG [1999] No.1610).

END TRANSLATION